

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

| | | |
|----------------------------|---|-----------------------------|
| PSSI GLOBAL SERVICES, LLC, |) | |
| |) | |
| <i>Appellant,</i> |) | |
| |) | |
| v. |) | No. 20-1142 (consolidated |
| |) | with Nos. 20-1143, 20-1146, |
| FEDERAL COMMUNICATIONS |) | 20-1147) |
| COMMISSION, |) | |
| |) | |
| <i>Appellee.</i> |) | |

MOTION OF AT&T FOR LEAVE TO INTERVENE

AT&T Services, Inc. (“AT&T”), pursuant to 47 U.S.C. § 402(e), 28 U.S.C. § 2348, and Federal Rule of Appellate Procedure 15(d), moves for leave to intervene as a matter of right in support of the Federal Communications Commission (“FCC”), Appellee in Nos. 20-1142 and 20-1146 and Respondent in Nos. 20-1143 and 20-1147, in the above-captioned cases.¹

Appellants and petitioners in the consolidated cases challenge the FCC’s Report and Order and Order of Proposed Modification, *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122 (rel. Mar. 3, 2020), published in the Federal Register on April 23, 2020. *See* 85 Fed. Reg. 22,804 (“Order”).

¹ Pursuant to D.C. Circuit Rule 15(b), this motion will be deemed an intervention motion in all cases that have been filed and that will be filed in this Circuit involving the same underlying FCC Order.

The Order is part of the Commission’s ongoing efforts to free up spectrum to facilitate the development of next generation wireless networks and to help close the digital divide. Order ¶ 1. In the Order, the FCC reforms the 3.7-4.2 GHz band, also known as the C-Band, by taking steps to move the incumbent satellite operations into a subset of the band, thereby making the remaining spectrum available for 5G wireless services. *Id.* The Order establishes a plan to auction the spectrum rights that are freed up, “to ensure that the public recovers a substantial portion of the value of this resource.” *Id.* ¶ 4. The spectrum the Order makes available will be important to wireless carriers’ deployment of 5G services and in establishing American leadership in 5G. *Id.* ¶¶ 3-4.

AT&T Services, Inc. actively participated in the proceedings below on behalf of all subsidiaries and affiliates of AT&T, Inc., which include a wireless carrier that is deploying 5G services and an entertainment provider that relies on incumbent satellite transmissions in the C-Band. AT&T is a “party in interest in the proceeding before the agency whose interests will be affected” if the Order is “enjoined, set aside, or suspended,” and therefore AT&T is entitled to intervene “as of right.” 28 U.S.C. § 2348; *see also* 47 U.S.C. § 402(e).

Accordingly, AT&T respectfully requests that it be granted leave to intervene in support of Appellee and Respondents.²

² Movant’s Corporate Disclosure Statement pursuant to Rule 26.1 of the Circuit

Dated: May 27, 2020

Respectfully submitted,

/s/ James P. Young
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Counsel for AT&T

Rules of this Court and Rule 26.1 of the Federal Rules of Appellate Procedure is attached.

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| <i>Appellee.</i> |) | |

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rules 27(a)(4) and 26.1, AT&T Services, Inc. respectfully submits the following Corporate Disclosure Statement.

AT&T Services, Inc. performs centralized administrative support services, including information technology and billing, real estate, procurement, human resources, training, and finance to and in support of AT&T Inc. and its subsidiaries and affiliates. AT&T Services, Inc. is wholly owned by AT&T Inc. AT&T Inc. is a publicly traded corporation that has no parent company, and no publicly held company owns 10 percent or more of its stock.

Dated: May 27, 2020

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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to D.C. Circuit Rules 27(a)(4) and 28(a)(1), AT&T Services, Inc. submits this certificate as to parties, rulings, and related cases.

A. Parties and Amici. Because these consolidated cases involve review of a final agency action, the requirement to furnish a list of parties, intervenors, and *amici* that appeared below is inapplicable. These consolidated cases involve the following parties:

- (i) **Appellants/Petitioners:** PSSI Global Services, LLC (Nos. 20-1142 and 20-1143), ABS Global Ltd., Empresa Argentina de Soluciones Satelitales S.A., Hispamar Satélites S.A., and Hispasat S.A. (Nos. 20-1146 and 20-1147).
- (ii) **Appellees/Respondents:** Federal Communications Commission

(Nos. 20-1142, 20-1143, 20-1146, 20-1147) and the United States of America (Nos. 20-1143, 20-1147).

(iii) **Intervenors and *Amici*:** As of the date of this filing, SES Americom, Inc., Cellco Partnership d/b/a Verizon Wireless, and CTIA – The Wireless Association have moved to intervene in these consolidated cases. There are no *amici* at this time. The movant-intervenor is AT&T Services, Inc.

B. Ruling Under Review. The challenged final agency action is the FCC’s Report and Order and Order of Proposed Modification, *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122 (rel. Mar. 3, 2020), published in the Federal Register on April 23, 2020. *See* 85 Fed. Reg. 22,804 (Apr. 23, 2020).

C. Related Cases. These cases have not previously been before this Court or any other court. Intervenor-movant is not aware of any related cases.

Dated: May 27, 2020

Respectfully submitted,

/s/ James P. Young

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CERTIFICATE OF COMPLIANCE

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and type-style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

This motion complies with the word-count limitation of Fed. R. App. P. 27(d)(2) because this motion contains 412 words.

Dated: May 27, 2020

Respectfully submitted,

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| <i>Appellee.</i> |) | |

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2020, I will cause the foregoing Motion and Statement to be electronically filed through this Court's CM/ECF system, which will send a notice of filing to all registered users.

/s/ James P. Young
James P. Young